## In the United States District Court For the Southern District of Georgia Brunswick Division

CALVIN SMITH,

v.

Plaintiff, \* CIVIL ACTION NO.: 2:20-cv-119

GLYNN COUNTY DETENTION CENTER; and ANTONIO JONES,

Defendants.

## ORDER

Before the Court is Plaintiff's Motion to Amend Case

Caption. Dkt. No. 11. Plaintiff appears to move to add the

State of Georgia as a party to this case in response to the

Magistrate Judge's Report and Recommendation dated January 11,

2020. Id. Because Plaintiff's Motion is in response to the

Magistrate Judge's Report, the Court will construe Plaintiff's

Motion as his Objections to the Report.¹

In the Report, the Magistrate Judge recommended the Court dismiss Plaintiff's Fourteenth Amendment claims against

Federal courts may liberally construe pro se filings "in order to avoid an unnecessary dismissal, to avoid inappropriately stringent application of formal labeling requirements, or to create a better correspondence between the substance of a pro se motion's claim and its underlying legal basis." Retic v. United States, 215 F. App'x 962, 964 (11th Cir. 2007) (quoting Castro v. United States, 540 U.S. 375, 381-82 (2003)).

Defendant Glynn County Detention Center because Glynn County

Detention Center is a county jail and is not a "person" subject
to suit under § 1983. Dkt. No. 9, p. 3. Additionally, the

Magistrate Judge recommended the Court dismiss Plaintiff's

official capacity monetary damages claim against Defendant

Jones. Id. at p. 1.

Plaintiff now seeks to replace Defendant Glynn County

Detention Center with the State of Georgia as a named Defendant.

Dkt. No. 11. However, states are immune from private suits

based on the Eleventh Amendment and traditional principles of

state sovereignty. Alden v. Maine, 527 U.S. 706, 712-13 (1999).

Section 1983 does not abrogate the well-established immunities

of a state from suit without its consent. Will v. Mich. Dep't

of State Police, 491 U.S. 58, 67 (1989). Accordingly,

Plaintiff's objection seeking to replace Defendant Glynn County

Detention Center with the State of Georgia as a Defendant is

OVERRULED.

After an independent and de novo review of the entire record, the Court CONCURS with the Magistrate Judge's Report and Recommendation, ADOPTS the Report and Recommendation as the opinion of the Court, and OVERRULES Plaintiff's Objections. The Court DISMISSES Plaintiff's Fourteenth Amendment claim against Defendant Glynn County Detention Center and Plaintiff's claims for monetary damages against Defendant Jones in his official

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capacity. Plaintiff's Fourteenth Amendment excessive force claim against Defendant Jones in his individual capacity remains pending. Dkt. No. 10.

so ordered, this \_\_\_\_\_ day of \_\_\_\_\_\_, 2021.

HON. LISA GODBEY WOOD, JUDGE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF GEORGIA